

Sub B4

~~29.~~ (Amended) An article comprising a breathable three layer ABA structure, wherein the B layer is a breathable, thermoplastic foam having at least one major surface and having at least one ruptured cell and wherein the B layer has porosity in a direction perpendicular to a major surface of the foam, and wherein the A layers comprise an unfoamed material.

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32. (Amended) The article of claim 29 further comprising a pressure sensitive adhesive layer affixed to a major surface of at least one A layer.

Remarks

Claims 13-17 and 25-33 are pending in the present application. By the non-final Office Action, dated February 27, 2001, Claims 1-12 and 18-24 were withdrawn from consideration due to a restriction requirement. Claims 13-17 and 25-33 were rejected in the non-final office action. Applicants request to withdraw the rejections as to Claims 13-17 and 25-33, as discussed below. Applicants also request entry of the amendments to the claims, as indicated above.

Restriction Requirement

Claims 1-33 have been restricted under 35 U.S.C. § 121 as follows:

- I. Claims 1-12 and 18-24, drawn to method of making breathable film, classified in class 264, subclass various.
- II. Claims 13-17 and 25-33, drawn to a breathable film, classified in class 428, subclass 316.6 and 318.4.

Applicants hereby elect Group II (i.e. claims 13-17 and 25-33) but traverse the restriction, and respectfully request reconsideration and withdrawal or modification of the restriction requirement.

In Group I, Applicants broadly claim methods for making breathable foams.

In Group II, Applicants broadly claim breathable foams.

The Restriction Requirement in paragraph 2 states: